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08 UNITED STATES DISTRICT COURT
09 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,) Case No.: CR04-0179-MJB-JPD
11 Plaintiff,)
12 v.) SUMMARY REPORT OF U.S.
13 IRA DWAYNE ALEXANDER,) MAGISTRATE JUDGE AS TO
14 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
15 _____)

16 A probation revocation hearing on supervised release violations was held before the
17 undersigned Magistrate Judge on July 13, 2005. The United States was represented by Assistant
18 United States Attorney Vincent T. Lombardi, and the defendant by Mr. Robert Gombiner. The
19 proceedings were recorded on cassette tape.

20 The defendant had been sentenced on or about December 8, 2003, in the Eastern District
21 of Virginia, on a second-offense charge of driving while under the influence of alcohol. The
22 defendant was sentenced to three (3) years probation and special conditions were imposed.

23 Jurisdiction of this case was transferred to the Western District of Washington on
24 February 20, 2004. Defendant signed a waiver of hearing to modify conditions of probation and
25 agreed to reside in a Community Sanction Center (CSC) for up to 30 days. This modification
26 was authorized by the Court.

01 On February 23, 2004, a summons was issued to defendant for violation of his
02 conditions of supervision, and for fourth-degree assault. With his consent, defendant's terms
03 of supervision were modified requiring him to reside in a CSC for up to 180 days, and this
04 modification was approved by the Court.

05 On May 21, 2004, defendant admitted to the February 23, 2004, alleged violations, and
06 among other modifications imposed, defendant was ordered transferred to the Eastern District
07 of Virginia whenever a suitable transition plan had been established.

08 Defendant was authorized to travel to El Paso, Texas, to reside with his mother in June
09 of 2004. A request for transfer of supervision was submitted to and denied by the U.S.
10 Probation Office in the Western District of Texas. Defendant was instructed to return to the
11 Western District of Washington, but he failed to do so, and his whereabouts were unknown at
12 that time. In October 2004, defendant advised the probation office of where he was residing,
13 and ultimately returned to the Western District of Washington on September 29, 2004. Upon
14 his return, defendant's probation was modified requiring him to reside in a CSC for up to 120
15 days, where he continued to have difficulties with supervision, and again in January 2005, a 60-
16 day extension at the CSC was authorized by the Court. Defendant remained at the CSC until
17 March 28, 2005, when he was discharged after the court-authorized term expired.

18 In the Violation Report and Request for Warrant dated June 10, 2005, U.S. Probation
19 Officer Christopher S. Luscher asserted the following violations of the conditions of supervised
20 release:

21 (1) Failing to follow the instructions of his probation officer, in violation of standard
22 condition No. 3; and


23 (2) Failing to work regularly at a lawful occupation, in violation of standard
24 condition No. 5.

25 The defendant admitted to violations No. 1 and No. 2, and waived any evidentiary
26 hearing as to whether they occurred.

01 I therefore recommend that the Court find the defendant violated his supervised release
02 as to violations No. 1 and No. 2. A hearing has been set before the Honorable Monica J.
03 Benton, on July 14, 2005, at 11:00 a.m. for disposition of these violations.

04 Pending a final determination by the Court, the defendant has been detained.

05 DATED this 13th day of July, 2005.

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08 JAMES P. DONOHUE
09 United States Magistrate Judge

10 cc: Magistrate Judge: The Hon. Monica J. Benton
11 AUSA: Mr. Vincent T. Lombardi
12 Defendant's attorney: Mr. Robert Gombiner
13 Probation officer: Mr. Christopher S. Luscher
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